

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HAWK VALLEY, INC.,	:	NO. 5:10-CV-00804-JKG
	:	
Plaintiff,	:	JUDGE JAMES KNOLL GARDNER
	:	
v.	:	<b>DEFENDANTS, ELAINE G. TAYLOR</b>
	:	<b>AND ENVIRONMENTAL PROCESS</b>
ELAINE G. TAYLOR and	:	<b>SYSTEMS, INC.'S MOTION TO</b>
ENVIRONMENTAL PROCESS SYSTEMS, INC.	:	<b>DISMISS PLAINTIFF'S COMPLAINT</b>
and JOHN DOES 1-10,	:	<b>WITH PREJUDICE PURSUANT TO</b>
	:	<b>FED.R.CIV.P. 12(b)(6)</b>
Defendants.	:	

Defendants, Elaine G. Taylor and Environmental Process Systems, Inc. (collectively, "Defendants"), by their undersigned counsel, Fox Rothschild LLP, respectfully move this Honorable Court to dismiss the Complaint of Plaintiff, Hawk Valley, Inc. ("Plaintiff"), with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. In support of the present motion, Defendants respectfully rely on, and incorporate by reference herein, the accompanying Memorandum of Law.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their Motion to Dismiss Plaintiffs' Complaint With Prejudice Pursuant to Fed.R.Civ.P. 12(b)(6), and dismiss Plaintiff's Complaint with prejudice.

Dated: June 17, 2010

Respectfully submitted,  
**FOX ROTHSCHILD LLP**

By: s/John J. Haggerty  
John J. Haggerty (I.D. No. 66932)  
Stephanie B. Fineman (I.D. No. 93248)  
2700 Kelly Road, Suite 300  
Warrington, PA 18976-3624  
Telephone: (215) 345-7500  
Facsimile: (215) 345-7507  
E-mail: [jhaggerty@foxrothschild.com](mailto:jhaggerty@foxrothschild.com)  
[sfineman@foxrothschild.com](mailto:sfineman@foxrothschild.com)

Attorneys for Defendants, Elaine G. Taylor  
and Environmental Process Systems, Inc.